

**IC 25-20**

**ARTICLE 20. HEARING AID DEALERS**

**IC 25-20-1**

**Chapter 1. Regulation of Hearing Aid Dealers)Creation of  
Advisory Committee**

**IC 25-20-1-1**

Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed for or represented as aiding, improving or correcting defective human hearing, and any parts, attachments or accessories of such an instrument or device.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

*(Formerly: Acts 1967, c.257, s.1.) As amended by Acts 1981, P.L.222, SEC.142.*

**IC 25-20-1-1.5**

Sec. 1.5. (a) There is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the governor to a term of three (3) years. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor to serve the remainder of the term of the vacated member.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each

member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. *As added by Acts 1981, P.L.222, SEC.143. Amended by Acts 1982, P.L.113, SEC.54; P.L.149-1987, SEC.49.*

#### **IC 25-20-1-2**

Sec. 2. (a) This section does not apply to:

- (1) a person who is an audiologist licensed under IC 25-35.6; or
- (2) the sale of hearing aid batteries or cords.

(b) It is unlawful for a person to fit or dispense hearing aids in Indiana unless the person holds:

- (1) a valid hearing aid dealer certificate of registration;
- (2) a temporary hearing aid dealer certificate of registration; or
- (3) a student hearing aid dealer certificate of registration;

issued by the board.

*(Formerly: Acts 1967, c.257, s.2.) As amended by P.L.236-1989, SEC.1.*

#### **IC 25-20-1-3**

Sec. 3. The board shall issue a hearing aid dealer certificate of registration to any person who makes application on forms provided by the board if the board has determined to its satisfaction that the applicant:

- (1) is eighteen (18) years of age or older;
- (2) if the applicant applies after June 29, 1992:
  - (A) is a high school graduate; or
  - (B) has a:
    - (i) high school equivalency certificate; or
    - (ii) state of Indiana general educational development (GED) diploma issued under IC 20-10.1-12.1;
- (3) has not been convicted of:
  - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or
  - (B) a crime that has a direct bearing on the applicant's ability to practice competently;
- (4) has passed the examination prepared by the committee and given by the board to determine that the applicant has the qualifications to properly fit hearing aids; and
- (5) held a student hearing aid dealer certificate of registration issued under section 5 of this chapter at the time the applicant applied for a hearing aid dealer certificate of registration.

*(Formerly: Acts 1967, c.257, s.3; Acts 1973, P.L.252, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2538; Acts 1981, P.L.222, SEC.144; Acts 1982, P.L.113, SEC.55; P.L.152-1988, SEC.13; P.L.186-1991, SEC.1; P.L.48-1991, SEC.33; P.L.149-1995, SEC.16.*

#### **IC 25-20-1-4**

Sec. 4. In lieu of the Hearing Aid Dealer Certificate of Registration, the board may issue a Temporary Hearing Aid Dealer Certificate of

Registration during the period between July 1, 1967 and July 1, 1969. The temporary registration shall be issued to any person who has been regularly engaged in the merchandising of hearing aids for a period of five (5) years according to the same conditions and criteria as used in issuing a Hearing Aid Dealer Certificate of Registration, except that the temporary applicant shall not be required to take an examination. The temporary registration shall be issued with the expiration date of July 20, 1969. The board shall not issue any temporary registrations with an expiration date that is subsequent to July 20, 1969.  
(Formerly: Acts 1967, c.257, s.4.)

#### **IC 25-20-1-5**

Sec. 5. The board shall issue student hearing aid dealer certificates of registration subject to the conditions and criteria for the granting of hearing aid dealer certificates of registration except for the examination requirement. In addition to the above requirements, a student registration certificate shall be issued only to a student applicant who is employed or directly supervised in the fitting of hearing aids by a registrant holding a valid registration.

The student hearing aid dealer certificate of registration shall set forth the name of said dealer and said hearing aid dealer shall execute an acknowledgment on the face of said certificate that he is responsible for all acts of the student registrant in connection with the fitting and dispensing of hearing aids.

Said student shall fit or dispense hearing aids only pursuant to the direction of and under the supervision of said hearing aid dealer.

The student hearing aid dealer certificate of registration shall expire one (1) year from the date of its issuance except that at the discretion of the board the certificate may be reissued for one (1) additional year only.

No hearing aid dealer licensed hereunder shall employ, commission, engage or otherwise assume the responsibility for more than three (3) student dealers at any one (1) time, unless approved in writing by the board.

A student hearing aid dealer certificate of registration may be cancelled upon the written request of the responsible hearing aid dealer, acknowledged in writing by the board.

(Formerly: Acts 1967, c.257, s.5.) As amended by Acts 1981, P.L.222, SEC.145.

#### **IC 25-20-1-6**

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Sec. 6. When a person applies for a hearing aid dealer certificate of registration or a temporary hearing aid dealer certificate of registration, the person shall be charged a nonrefundable fee established by the board.

(Formerly: Acts 1967, c.257, s.6.) As amended by Acts 1981, P.L.33, SEC.30; P.L.48-1991, SEC.34.

#### **IC 25-20-1-7**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-8**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-9**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-10**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-11**

Sec. 11. Standards for licensing shall be determined by the board who may require examination by written and practical tests in order to demonstrate that the applicant is qualified to fit and dispense hearing aids; provided that it not be conducted in such a manner that college training be required in order to pass the examination. Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians. The examinations shall be given at three (3) month intervals.

The committee shall propose rules to the board concerning the competent practice of hearing aid dealing. The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer.

*(Formerly: Acts 1967, c.257, s.11.) As amended by Acts 1981, P.L.222, SEC.146.*

**IC 25-20-1-12**

Sec. 12. (a) The board shall issue hearing aid dealer certificates of registration which expire on June 30 of each even-numbered year. To renew a hearing aid dealer certificate of registration, the holder of the certificate must pay a renewal fee set by the board before June 30 of each even-numbered year.

(b) If the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration before June 30 of an even-numbered year, the certificate expires without any action taken by the board.

(c) A holder of a hearing aid dealer certificate of registration that expires under this section may have the certificate reinstated by the board if the holder pays the following:

(1) A late renewal fee set by the board.

(2) Unpaid renewal fees.

*(Formerly: Acts 1967, c.257, s.12.) As amended by Acts 1982, P.L.154, SEC.78; P.L.48-1991, SEC.35.*

**IC 25-20-1-13**

Sec. 13. Every registrant, temporary registrant and student registrant shall conspicuously display his certificate of registration as issued under this chapter in his principal place of business, if any.

*(Formerly: Acts 1967, c.257, s.13.) As amended by Acts 1982, P.L.154, SEC.79.*

**IC 25-20-1-14**

Sec. 14. (a) If the registrant or temporary registrant changes a place of business of the registrant or temporary registrant, the registrant or temporary registrant shall notify the board, in writing, of the change of address within ten (10) days of the change. Failure to notify the board in writing shall be grounds for suspension or revocation of the registration.

(b) The board shall keep a record of all registrants and temporary registrants containing each registrant's and temporary registrant's last known addresses.

*(Formerly: Acts 1967, c.257, s.14.) As amended by P.L.48-1991, SEC.36.*

**IC 25-20-1-15**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-16**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-17**

*(Repealed by P.L.48-1991, SEC.78.)*

**IC 25-20-1-17.1**

Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to IC 25-1-7.

(b) The board may impose sanctions under IC 25-1-9 against a person registered or temporarily registered under this chapter.

(c) An action taken by the board under this section must be approved by a majority of the quorum.

*As added by P.L.48-1991, SEC.37.*

**IC 25-20-1-18**

*(Repealed by P.L.48-1991, SEC.78.)*

**IC 25-20-1-19**

*(Repealed by P.L.48-1991, SEC.78.)*

**IC 25-20-1-20**

*(Repealed by P.L.48-1991, SEC.78.)*

**IC 25-20-1-21**

Sec. 21. A person who violates this chapter commits a Class B misdemeanor.

*(Formerly: Acts 1967, c.257, s.21.) As amended by Acts 1978, P.L.2, SEC.2539.*

**IC 25-20-1-22**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

**IC 25-20-1-22.1**

*(Repealed by P.L.152-1988, SEC.30.)*

**IC 25-20-1-23**

Sec. 23. The board may adopt and promulgate in the manner prescribed by law, rules and regulations, and adopt application forms and other forms and written materials as necessary in order for it to carry out the provisions and legislative intent of this chapter.

*(Formerly: Acts 1967, c.257, s.23.) As amended by Acts 1981, P.L.222, SEC.150.*

**IC 25-20-1-24**

*(Repealed by Acts 1972, P.L.13, SEC.51.)*

**IC 25-20-1-25**

Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

- (1) after the last date the registrant renewed a certificate under this chapter; or
- (2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the National Institute for Hearing Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must submit:

- (1) a continuing education statement that:
  - (A) is on a form provided by the board;
  - (B) is signed by the registrant under oath;
  - (C) lists the continuing education courses completed by the registrant to satisfy the continuing education requirements under this section; and
  - (D) includes a photocopy or other exact copy of the original certificate of completion; and
- (2) any other information required by the board.

(f) A registrant shall retain a copy of the original certificate of completion received by the registrant for completion of a continuing education course.

*As added by P.L.186-1991, SEC.2.*